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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 68 (c), "Human rights situations and reports of special rapporteurs and representatives", at its 22nd to 35th meetings, from 20 to 22 and from 25 to 28 October 2010, and took action on sub-item (b) at its 31st, 35th, 42nd to 47th, 49th, 50th and 52nd meetings, on 26 and 28 October and 4, 9, 11,16, 18, 19, 22 and 23 November. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/65/SR.22-35, 42-47, 49, 50 and 52).

3. For the documents before the Committee under this sub-item, see A/65/456.

4. At the 22nd meeting, on 20 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Pakistan, Australia, Mexico, the Russian Federation, Norway, Cuba, the United States of America, Chile, Morocco, China, Switzerland, the Syrian Arab Republic, Algeria, the United Kingdom of Great Britain and Northern Ireland,

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Malaysia, Brazil, the Islamic Republic of Iran, Uzbekistan, Qatar, Djibouti, Benin, Guatemala, Costa Rica and Colombia, as well as the observer for the European Union (see A/C.3/65/SR.22).

5. At the same meeting, the Special Adviser to the Secretary-General on Myanmar introduced the report of the Secretary-General (A/65/367) and responded to the comments made and questions posed by the representative of Myanmar (see A/C.3/65/SR.22).

6. At the 23rd meeting, on 20 October, the Independent Expert on minority issues made a presentation and engaged in a dialogue with the representatives of Austria and Viet Nam, as well as the observer for the European Union (see A/C.3/65/SR.23).

7. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, China, Thailand, Switzerland, Norway, the Russian Federation, India, Maldives, the Lao People's Democratic Republic, Viet Nam, Argentina, Liechtenstein, Malaysia, the United States, the United Kingdom, Australia, the Czech Republic, Japan, Canada and Indonesia, as well as the observer for the European Union (see A/C.3/65/SR.23).

8. Also at the 23rd meeting, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a presentation and engaged in a dialogue with the representatives of Norway, Israel, Malaysia, the Syrian Arab Republic and the United States, as well as the observer for Palestine (see A/C.3/65/SR.23).

9. At the 24th meeting, on 21 October, the Special Rapporteur on the right to food made a presentation and engaged in a dialogue with the representatives of Cuba, Switzerland, the United States, China, Maldives, Ethiopia and Botswana, as well as the observer for the European Union; the representative of the Food and Agriculture Organization of the United Nations also took part in the dialogue (see A/C.3/65/SR.24).

10. At the same meeting, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, made a presentation and engaged in a dialogue with the representative of Cuba (see A/C.3/65/SR.24).

11. Also at the 24th meeting, the representative of the Secretary-General on the human rights of internally displaced persons made a presentation and engaged in a dialogue with the representatives of Azerbaijan, Norway, Switzerland, Canada, Liechtenstein, the United States, Armenia, Georgia and Austria, as well as the observer for the European Union (see A/C.3/65/SR.24).

12. A statement was made by the representative of Zimbabwe (see A/C.3/65/SR.24).

13. At the 25th meeting, on 21 October, the Special Rapporteur on the situation of human rights defenders made a presentation and engaged in a dialogue with the representatives of Brazil, Switzerland, Armenia, Canada, Norway, the United States, the United Kingdom, Pakistan, South Africa and the Islamic Republic of Iran, as well as the observer for the European Union (see A/C.3/65/SR.25).

14. At the same meeting, the Special Rapporteur on freedom of religion or belief made a presentation and engaged in a dialogue with the representatives of Pakistan,

Brazil, Switzerland, the United States, Jordan, Canada, Denmark, China and Norway, as well as the observer for the European Union (see A/C.3/65/SR.25).

15. At the 26th meeting, on 22 October, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families made a presentation and engaged in a dialogue with the representatives of Algeria and Morocco; the observer for the International Organization for Migration also took part (see A/C.3/65/SR.26).

16. At the same meeting, the Special Rapporteur on the human rights of migrants made a presentation and engaged in a dialogue with the representatives of the Sudan, the Islamic Republic of Iran and the United States, as well as the observer for the European Union; the observer for the International Organization for Migration also took part (see A/C.3/65/SR.26).

17. Also at the same meeting, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living made a presentation and engaged in a dialogue with the observer for the European Union (see A/C.3/65/SR.26).

18. Also at the 26th meeting, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made a statement on behalf of the late Chair of the Working Group on the Right to Development, and responded to a comment made by the representative of China (see A/C.3/65/SR.26).

19. At the 27th meeting, on 22 October, the Special Rapporteur on extrajudicial, summary or arbitrary executions made a presentation and engaged in a dialogue with the representatives of Pakistan, Switzerland, Cuba, Canada, the United States and Liechtenstein, as well as the observer for the European Union (see A/C.3/65/SR.27).

20. At the same meeting, the Special Rapporteur on the independence of judges and lawyers made a presentation and engaged in a dialogue with the representatives of Mexico, Canada, New Zealand, Switzerland, the Bolivarian Republic of Venezuela and the Sudan, as well as the observer for the European Union (see A/C.3/65/SR.27).

21. Also at the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, the United States, the Republic of Korea, Japan, the United Kingdom, China, Canada, Switzerland and Australia, as well as the observer for the European Union (see A/C.3/65/SR.27).

22. At the 28th meeting, on 25 October, the Special Rapporteur on trafficking in persons, especially women and children, made a presentation and engaged in a dialogue with the representatives of Belarus, Chile, Switzerland, the Republic of Moldova and Argentina, as well as the observer for the European Union (see A/C.3/65/SR.28).

23. At the same meeting, the Independent Expert on the human rights obligations related to access to safe drinking water and sanitation made a presentation and engaged in a dialogue with the representatives of the Plurinational State of Bolivia, Switzerland, Spain, Australia, the United Kingdom, Norway, Germany and Algeria, as well as the observer for the European Union (see A/C.3/65/SR.28).

24. Also at the same meeting, the Independent Expert on the question of human rights and extreme poverty made a presentation and engaged in a dialogue with the representatives of Chile, Mexico, China, Peru, Zambia, Cameroon and the Bolivarian Republic of Venezuela, as well as the observer for the European Union (see A/C.3/65/SR.28).

25. At the 29th meeting, on 25 October, the Special Rapporteur on the right to education made a presentation and engaged in a dialogue with the representatives of Malawi (on behalf of the Group of African States), Trinidad and Tobago (on behalf of the Caribbean Community), Mauritania (on behalf of the Group of Arab States), Morocco (on behalf of the Organization of the Islamic Conference), the Russian Federation, the United States, Australia, South Africa, Canada, Sweden, Argentina, Switzerland, Liechtenstein, Portugal, the United Kingdom, Norway and Costa Rica, as well as the observer for the Holy See; the observer for the European Union also took part (see A/C.3/65/SR.29).

26. At the same meeting, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health engaged in a dialogue with the representatives of Algeria, Norway, Brazil and Switzerland, as well as the observer for the European Union (see A/C.3/65/SR.29).

27. Also at the same meeting, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made a presentation. Questions were posed and comments made by the representatives of Greece, Jordan, the Republic of Moldova, Jamaica, Pakistan, Egypt, Switzerland, Liechtenstein and the United States, as well as the observer for the European Union (see A/C.3/65/SR.29).

28. At the 30th meeting, on 26 October, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment continued his interaction with the Committee and responded to the comments made and the questions posed by the representatives of Kazakhstan, Algeria, the Sudan, Norway, Zimbabwe, Austria, Brazil, Denmark, China, the United Kingdom and Jamaica (see A/C.3/65/SR.30).

29. At the same meeting, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism made a presentation and engaged in a dialogue with the representatives of Switzerland, the United States, Norway, the Russian Federation, Denmark, the United Kingdom and Peru, as well as the observer for the European Union (see A/C.3/65/SR.30).

30. Also at the same meeting, the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression made a presentation and engaged in a dialogue with the representatives of Norway, Mexico, Ethiopia, the United States, Canada, Maldives, Guatemala, Sweden, Pakistan, the Islamic Republic of Iran, Switzerland, Germany, the United Kingdom, Algeria, the Russian Federation, the Philippines, Iraq and Denmark, as well as the observer for the European Union (see A/C.3/65/SR.30).

31. At the 31st meeting, on 26 October, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises made a presentation and engaged in a dialogue with the representatives of Norway, Canada, Denmark, Sweden and South Africa, as well as the observer for the European Union (see A/C.3/65/SR.31).

32. At the same meeting, an introductory statement was made by the Assistant Secretary-General for Human Rights, who engaged in a dialogue with the representatives of the Islamic Republic of Iran, the United States and the Democratic People's Republic of Korea, as well as the observer for the European Union (see A/C.3/65/SR.31).

II. Consideration of proposals

A. Draft resolution A/C.3/65/L.23 and Rev.1 and amendments thereto contained in documents A/C.3/65/L.61 to L.63

33. At the 31st meeting, on 26 October, the representative of Croatia, on behalf of Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cape Verde, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Norway, the Netherlands, New Zealand, Panama, Paraguay, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu, introduced a draft resolution entitled "Moratorium on the use of the death penalty" (A/C.3/65/L.23), which read:

> "*The General Assembly*,
>
> "*Guided* by the purposes and principles contained in the Charter of the United Nations,
>
> "*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,
>
> "*Reaffirming* its resolutions 62/149 and 63/168 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,
>
> "*Mindful* that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,
>
> "*Convinced* that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,
>
> "*Encouraged* by ongoing national debates and by regional initiatives on the death penalty, as well as by the readiness of an increasing number of Member States to make information available on the use of the death penalty,

"*Noting with appreciation* the technical cooperation among Member States in relation to moratoriums on the death penalty,

"1. *Welcomes* the report of the Secretary-General on the implementation of resolution 63/168 and the recommendations contained therein;

"2. *Welcomes* the decisions taken by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

"3. *Calls upon* all States that still maintain the death penalty:

"(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and consider their incorporation into national law, as well as to provide the Secretary-General with information in this regard;

"(b) To make public information such as the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, which can contribute to possible informed and transparent national debates;

"(c) To progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed;

"(d) To establish a moratorium on executions with a view to abolishing the death penalty;

"4. *Calls upon* States which have abolished the death penalty not to reintroduce it;

"5. *Invites* Member States to share their national perspectives on the death penalty in their dialogue with the High Commissioner for Human Rights during a forthcoming session of the General Assembly;

"6. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

"7. *Decides* to continue consideration of the matter at its sixty-seventh session under the item entitled 'Promotion and protection of human rights'."

34. At its 45th meeting, on 11 November, the Committee had before it a revised draft resolution entitled "Moratorium on the use of the death penalty" (A/C.3/65/L.23/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.23 and Cambodia, El Salvador, Kyrgyzstan, Madagascar, Mali, Nicaragua, Palau, the Russian Federation, Sao Tome and Principe, South Africa, Tuvalu, Ukraine and Venezuela (Bolivarian Republic of).

35. At the same meeting, the representative of Egypt made a statement (see A/C.3/65/SR.45).

36. Also at the same meeting, the Committee took the following action on the amendments to draft resolution A/C.3/65/L.23/Rev.1 contained in documents A/C.3/65/L.61 to L.63.

Amendment contained in document A/C.3/65/L.61

37. The representative of Egypt introduced the amendment contained in document A/C.3/65/L.61, which was sponsored by Antigua and Barbuda, the Bahamas, Bangladesh, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Myanmar, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Saint Kitts and Nevis, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Viet Nam, Yemen and Zimbabwe, and by which the first preambular paragraph would be replaced with the following:

> "*Guided* by the purposes and principles contained in the Charter of the United Nations, including Article 1, paragraph 3, on achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, while recalling, in particular, Article 2, paragraph 7, which stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State."

38. Statements were made by the representatives of Singapore and China (see A/C.3/65/SR.45).

39. Statements were made before the vote by the representatives of the Federated States of Micronesia, Gabon and the Russian Federation (see A/C.3/65/SR.45).

40. The Committee rejected the amendment contained in document A/C.3/65/L.61 by a recorded vote of 79 to 62, with 31 abstentions. The voting was as follows:[1]

In favour:

> Afghanistan, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

> Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape

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[1] The delegation of Belize subsequently indicated that, had it been present, it would have voted in favour.

Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Algeria, Barbados, Belize, Benin, Bhutan, Democratic Republic of the Congo, Ecuador, Ghana, Guatemala, Guinea, Guinea-Bissau, Honduras, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Mali, Mauritania, Morocco, Peru, Republic of Korea, Samoa, Senegal, Seychelles, South Africa, Togo, Tuvalu, United Republic of Tanzania, United States of America, Zambia.

Amendment contained in document A/C.3/65/L.62

41. The representative of Botswana introduced the amendment contained in document A/C.3/65/L.62, which was sponsored by Antigua and Barbuda, the Bahamas, Bangladesh, Botswana, China, Egypt, Grenada, Guyana, Indonesia, the Libyan Arab Jamahiriya, Malaysia, Myanmar, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Viet Nam, Yemen and Zimbabwe, and by which the following new paragraph would be inserted after the fifth preambular paragraph:

> "*Recognizing* that many Member States retain the death penalty on their statutes for the most serious crimes."

42. The representative of Egypt made a statement (see A/C.3/65/SR.45).

43. Statements were made before the vote by the representatives of Argentina and Italy (see A/C.3/65/SR.45).

44. The Committee rejected the amendment contained in document A/C.3/65/L.62 by a recorded vote of 81 to 51, with 33 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Azerbaijan, Belize, Benin, Bhutan, Burkina Faso, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Namibia, Peru, Republic of Korea, Russian Federation, Samoa, Senegal, South Africa, Sri Lanka, Suriname, Togo, Tuvalu, United Republic of Tanzania, Zambia.

Amendment contained in document A/C.3/65/L.63

45. The representative of Singapore introduced the amendment contained in A/C.3/65/L.63, which was sponsored by Antigua and Barbuda, the Bahamas, Bangladesh, Barbados, Botswana, Brunei Darussalam, China, Egypt, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Myanmar, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda, Viet Nam, Yemen and Zimbabwe, and by which the following paragraph would be inserted as a new operative paragraph 1:

> "1. *Reaffirms* the sovereign right of all countries to develop their own legal system, including determining appropriate legal penalties, in accordance with their obligations under international law."

46. The representative of Benin made a statement (see A/C.3/65/SR.45).

47. Statements were made before the vote by the representatives of Norway and Chile (see A/C.3/65/SR.45).

48. The Committee rejected the amendment contained in document A/C.3/65/L.63 by a recorded vote of 79 to 58, with 30 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Bhutan, Burkina Faso, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Peru, Republic of Korea, Russian Federation, Samoa, Senegal, Seychelles, South Africa, Tajikistan, Togo, Tuvalu, United Republic of Tanzania, Zambia.

Draft resolution A/C.3/65/L.23/Rev.1

49. Also at its 45th meeting, the Committee proceeded to consider draft resolution A/C.3/65/L.23/Rev.1 as a whole.

50. The representative of the Bahamas orally proposed an amendment to operative paragraph 3 (d), by which the words "To establish" would be replaced with the words "To consider establishing".

51. Statements were made by the representatives of Singapore, Egypt and New Zealand (see A/C.3/65/SR.45).

52. At the same meeting, the representative of Spain made a statement, in which she requested a recorded vote on the amendment proposed orally by the representative of the Bahamas.

53. Statements were made before the vote by the representatives of Botswana and Barbados (see A/C.3/65/SR.45).

54. Also at the same meeting, the Committee rejected the proposed amendment to operative paragraph 3 (d) by a recorded vote of 82 to 54, with 29 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Bhutan, Bolivia (Plurinational State of), Burkina Faso, Cambodia, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kenya, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Nicaragua, Nigeria, Peru, Republic of Korea, Samoa, Senegal, Seychelles, Tajikistan, Tuvalu, United Republic of Tanzania, Zambia.

55. Also at the 45th meeting, in connection with draft resolution A/C.3/65/L.23/Rev.1 as a whole, statements were made by the representatives of the Libyan Arab Jamahiriya, Trinidad and Tobago, Singapore, Yemen, the Syrian Arab Republic, India, Morocco, the United States of America, China, Thailand, El Salvador, Egypt, Viet Nam, Nicaragua and Maldives (see A/C.3/65/SR.45).

56. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.23/Rev.1 by a recorded vote of 107 to 38, with 36 abstentions (see para. 135, draft resolution I). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe.

Abstaining:

Afghanistan, Bahrain, Belarus, Cameroon, Comoros, Cuba, Democratic Republic of the Congo, Djibouti, Eritrea, Fiji, Ghana, Guinea, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Namibia, Nigeria, Oman, Papua New Guinea, Republic of Korea, Senegal, Seychelles, Sierra Leone, Solomon Islands, Suriname, Thailand, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

57. Statements after the vote were made by the representatives of Japan, Kuwait, Bangladesh, Botswana, Mongolia, Bhutan, Switzerland, Brazil and Egypt (see A/C.3/65/SR.45).

B. Draft resolution A/C.3/65/L.27

58. At the 35th meeting, on 28 October, the representative of Morocco, on behalf of Albania, Armenia, Austria, Azerbaijan, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Jordan, Kazakhstan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Montenegro, Morocco, the Netherlands, Peru, Poland, Portugal, Qatar, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, the Sudan, Sweden, Switzerland, Thailand, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights" (A/C.3/65/L.27). Subsequently, Andorra, Argentina, Australia, Belize, Bosnia and Herzegovina, Burkina Faso, Burundi, Colombia, the Comoros, the Congo, Côte d'Ivoire, Eritrea, Gabon, Georgia, Iceland, India, Indonesia, Iraq, Japan, Lebanon, Mongolia, the Niger, Norway, Panama, Saint Lucia, Seychelles, the former Yugoslav Republic of Macedonia, Togo, Turkey, the United States of America and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

59. At the 44th meeting, on 11 November, the representative of Morocco made a statement (see A/C.3/65/SR.44).

60. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.27 (see para. 135, draft resolution II).

C. Draft resolution A/C.3/65/L.29 and Rev.1 and amendment thereto contained in document A/C.3/65/L.65

61. At the 42nd meeting, on 4 November, the representative of Finland, on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/65/L.29), which read:

"*The General Assembly*,

"*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights and other relevant human rights conventions,

"*Reaffirming* the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 8/3 of 18 June 2008,

"*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

"*Mindful* of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

"*Noting with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

"*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

"*Noting with deep concern* the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

"*Acknowledging* that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court, and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes as set out in General Assembly resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

"*Convinced* of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of human rights, particularly the right to life,

"1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

"2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

"3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

"4. *Calls upon* Governments and invites intergovernmental and non-governmental organizations to pay greater attention to the work of national level commissions of inquiry into extrajudicial, summary or arbitrary executions with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

"5. *Calls upon* all States, in order to prevent extrajudicial, summary and arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon those States which have not abolished the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;

"6. *Urges* all States:

"(a) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts, and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

"(b) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities, killings of persons affected by terrorism, hostage taking or foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

"7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

"8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for their human rights and to ensure that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 8 June 1977 in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

"9. *Also urges* States to prevent and, where such situations exist, to end prisoner control of prisons, bearing in mind that such situations do not exempt the State from its human rights obligations, including the protection against extrajudicial, summary or arbitrary executions;

"10. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, taking note of the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, and further welcomes the fact that one hundred and thirteen States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute of the Court, and calls upon all those States that have not ratified or acceded to the Rome Statute to give serious consideration to doing so;

"11. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, and urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

"12. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

"13. *Expresses its concern* over the occurrence of vigilante killings around the globe, encourages States, in order to support efforts to prevent and end such killings, to undertake or facilitate systematic studies of the phenomenon, with a view to taking context-specific and focused action, including necessary legislative, judicial, administrative, educative and other measures, and requests the Office of the High Commissioner and other relevant United Nations entities, upon request, to support such studies and their follow-up;

"14. *Takes note* of the potential of new technologies in the prevention and investigation of extrajudicial, summary or arbitrary executions, encourages the Office of the High Commissioner to convene, within existing resources, a consultation of information and communications technology experts, humanitarian and human rights actors with experience in using new technologies, relevant private actors and Member States to discuss the current and potential human rights applications of new technologies and the risks and obstacles to their effective use, and invites the Office of the High Commissioner to prepare a report on the outcome of the consultation, in the form of a summary of discussions;

"15. *Takes note with appreciation* of the reports of the Special Rapporteur to the General Assembly;

"16. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

"17. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary and arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges him to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

"18. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

"19. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

"20. *Expresses its appreciation* to those States that have received the Special Rapporteur and asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

"21. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

"22. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

"23. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

"24. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-sixth and sixty-seventh sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

"25. *Decides* to continue its consideration of the question at its sixty-seventh session."

62. At its 46th meeting, on 16 November, the Committee had before it a revised draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/65/L.29/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.29 and Armenia, Colombia, the Dominican Republic, Mexico, New Zealand, the

Republic of Korea, the Republic of Moldova, San Marino, Timor-Leste, Ukraine and Venezuela (Bolivarian Republic of).

63. At the same meeting, the representative of Benin, on behalf of the States Members of the United Nations that are members of the Group of African States and Morocco (on behalf of the States Members of the United Nations that are members of the Group of Arab States and those that are members of the Organization of the Islamic Conference), introduced the amendment contained in document A/C.3/65/L.65, by which, in operative paragraph 6 (b), the words "any discriminatory reason, including sexual orientation" would be replaced by the words "discriminatory reasons on any basis".

64. Also at the same meeting, the representative of Finland made a statement and requested a recorded vote on the amendment (see A/C.3/65/SR.46).

65. The Committee adopted the amendment contained in document A/C.3/65/L.65 by a recorded vote of 79 to 70, with 17 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Antigua and Barbuda, Barbados, Belarus, Cambodia, Cape Verde, Colombia, Fiji, Mauritius, Mongolia, Papua New Guinea, Philippines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Tuvalu, Vanuatu.

66. Statements were made before the vote by the representatives of Morocco (on behalf of the Organization of the Islamic Conference and the Group of Arab States),

Sweden, Switzerland, Finland, the United Kingdom of Great Britain and Northern Ireland, Saint Lucia and the United States of America; after the vote, statements were made by the representatives of Brazil, South Africa and Cuba (see A/C.3/65/SR.46).

67. The representative of Finland made a statement (see A/C.3/65/SR.46).

68. India, Namibia and Senegal joined in sponsoring the draft resolution, as amended.

69. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/65/L.29/Rev.1, as amended, in accordance with rule 130 of the rules of procedure, by a recorded vote of 165 to none, with 10 abstentions (see para 135, draft resolution III). The voting was as follows:

In favour:

> Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

> None.

Abstaining:

> Burkina Faso, Israel, Libyan Arab Jamahiriya, Marshall Islands, Sri Lanka, Sudan, Turkey, Tuvalu, United States of America, Zimbabwe.

70. Statements were made before the vote by the representatives of Morocco, Benin and the Sudan; after the vote, statements were made by the representatives of

France, the United Kingdom, the Islamic Republic of Iran, the United States, Jamaica and Norway (see A/C.3/65/SR.46).

D. Draft resolution A/C.3/65/L.30

71. At the 43rd meeting, on 9 November, the representative of France, on behalf of Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Montenegro, Morocco, the Netherlands, the Niger, Nicaragua, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu, introduced a draft resolution entitled "International Convention for the Protection of All Persons from Enforced Disappearance" (A/C.3/65/L.30). Subsequently, Angola, Bosnia and Herzegovina, Cape Verde, the Comoros, Cuba, Georgia, India, Mongolia, New Zealand, Paraguay, Senegal, Swaziland, Ukraine, Uganda and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

72. At the 49th meeting, on 19 November, the representative of Argentina orally corrected, in operative paragraph 2, the number of States that had signed the Convention from 86 to 87.

73. Also at the same meeting, the Committee adopted draft resolution A/C.3/65/L.30, as orally corrected (see para. 135, draft resolution IV).

E. Draft resolution A/C.3/65/L.31

74. At the 43rd meeting, on 9 November, the representative of Azerbaijan, on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Croatia, Cyprus, Ecuador, Egypt, Ethiopia, Finland, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Italy, Jordan, Kazakhstan, Kyrgyzstan, Latvia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Montenegro, the Netherlands, the Niger, Nigeria, Pakistan, Peru, Poland, Qatar, the Republic of Moldova, Romania, Saudi Arabia, Senegal, Serbia, Slovenia, Spain, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, the United States of America, Uzbekistan and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Missing persons" (A/C.3/65/L.31). Subsequently, Angola, Chile, the Congo, Costa Rica, Côte d'Ivoire, Fiji, India, Israel, Panama, the Sudan, Uganda and Ukraine joined in sponsoring the draft resolution.

75. At its 47th meeting, on 18 November, the Committee adopted draft resolution A/C.3/65/L.31 (see para. 135, draft resolution V).

F. Draft resolution A/C.3/65/L.32 and Rev.1

76. At the 43rd meeting, on 9 November, the representative of Belgium, on behalf of Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, the Netherlands, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Elimination of all forms of intolerance and of discrimination based on religion or belief" (A/C.3/65/L.32), which read:

"*The General Assembly*,

"*Recalling* its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

"*Recalling further* its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 64/164 of 18 December 2009 and Human Rights Council resolution 14/11 of 18 June 2010,

"*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

"*Considering* that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

"*Reaffirming* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt a religion or belief of one's own choice, or to change one's religion or belief, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

"*Deeply concerned* at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities across the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as at the Durban Review Conference,

"*Concerned* that acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities are sometimes tolerated or encouraged by official authorities,

"*Expressing deep concern* at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping of persons, based on religion or belief,

"*Concerned* at the increasing number of laws and regulations that limit the freedom of thought, conscience, religion or belief, at the implementation of existing laws in a discriminatory manner and at the lack of anti-discrimination legislation in many countries,

"*Convinced* of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

"*Seriously concerned* at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

"*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

"*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

"1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

"2. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

"3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

"4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

"5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence, including by non-State actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

"6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

"7. *Expresses* concern over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

"8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

"9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

"10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

"11. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

"(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of access to justice and effective remedies for persons whose right to freedom of thought, conscience, religion or belief, or the right to freely practise their religion, including the right to change their religion or belief, is violated;

"(b) To ensure that existing legislation is not implemented in a discriminatory way and that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

"(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

"(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

"(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

"(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

"(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

"(h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected in a non-discriminatory way, and to take additional measures in cases where they are vulnerable to desecration and destruction and to bring to justice individuals responsible for committing acts of desecration or destruction;

"(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

"(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

"(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world, and to reflect on such incidents with a view to formulating effective measures to promote respect for freedom of religion or belief;

"(l) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in the society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

"(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

"12. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

"13. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

"14. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

"15. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;

"16. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all necessary information and follow-up for the effective fulfilment of his mandate;

"17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

"18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-sixth session;

"19. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-sixth session under the item entitled 'Promotion and protection of human rights'."

77. At the same meeting, the Secretary orally corrected the draft resolution as follows:

(a) In operative paragraph 11 (h), the words "individuals responsible for committing acts of desecration or destruction" were replaced by the words "those responsible for destruction";

(b) In operative paragraph 11 (k), the words "to reflect on such incidents" were replaced by the words "to consider such incidents".

78. At its 50th meeting, on 22 November, the Committee had before it a revised draft resolution entitled "Elimination of all forms of intolerance and of discrimination based on religion or belief" (A/C.3/65/L.32/Rev.1), submitted by the sponsors of A/C.3/65/L.32 and Brazil, Chile, Costa Rica, Panama, Thailand, Timor-Leste and Ukraine. Subsequently, Bolivia (Plurinational State of), Cape Verde, Côte d'Ivoire, Ecuador, India, New Zealand, Paraguay, the Philippines, Turkey, the United Republic of Tanzania and Uruguay joined in sponsoring the draft resolution.

79. At the same meeting, the representative of Belgium, on behalf of the European Union, orally revised the text as follows:

(a) The ninth preambular paragraph, which read:

> "*Expressing deep concern* at all forms of discrimination and intolerance, including prejudices against persons and derogatory stereotyping, based on religion or belief",

was deleted;

(b) In the tenth preambular paragraph, after the word "*Concerned*", the words "at constitutional and legal systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction" were deleted;

(c) A new paragraph was inserted after operative paragraph 10, reading:

> "11. *Expresses concern* at the continued existence of instances of religious intolerance, as well as emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:
>
> "(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;
>
> "(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;
>
> "(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;
>
> "(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights, as well as other international documents;

> "(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction",

and the subsequent paragraphs were renumbered accordingly;

(d) Operative paragraph 12 (h) (former paragraph 11 (h)), which read:

> "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected in a non-discriminatory way, and to take additional measures in cases where they are vulnerable to desecration and destruction",

was deleted.

80. Statements were made by the representatives of Morocco (on behalf of the Organization of the Islamic Conference) and South Africa (see A/C.3/65/SR.50).

81. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/65/L.32/Rev.1, as orally revised (see para. 135, draft resolution VI).

G. Draft resolution A/C.3/65/L.34 and Rev.1

82. At the 42nd meeting, on 4 November, the representative of Mexico, on behalf of Argentina, Armenia, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Kyrgyzstan, Mali, Mexico, Nicaragua, Paraguay, Peru, the Philippines, Senegal, Tajikistan and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/65/L.34), which read:

> "*The General Assembly*,
>
> "*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 64/166 of 18 December 2009, and also Human Rights Council resolution 15/16 of 30 September 2010,
>
> "*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,
>
> "*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State and to leave any country, including his or her own, and to return to his or her country,
>
> "*Recalling* the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations and the International Convention on

the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Recalling also* the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development, which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

"*Recalling further* Commission on Population and Development resolutions 2006/2 of 10 May 2006 and 2009/1 of 3 April 2009,

"*Taking note with appreciation* of the report of the United Nations Development Programme, *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,

"*Taking note* of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

"*Taking note also* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*, and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena Judgment*, and recalling the obligations of States reaffirmed in both decisions,

"*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

"*Recognizing* the increasing participation of women in international migration movements,

"*Recalling* the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

"*Noting* the fourth meeting of the Global Forum on Migration and Development, held in Puerto Vallarta, Mexico, from 8 to 11 November 2010, recognizing the discussion on its central theme 'Partnerships for migration and human development: shared prosperity — shared responsibility' as a step contribution to addressing the multidimensional nature of international migration, as well as a step to promote a debate on possible synergies among countries of origin, transit and destination and other stakeholders, in order to support the implementation of comprehensive and balanced policies and, also, the willingness to share responsibility, and taking note with appreciation of the generous offer of the Government of Switzerland to host the meeting of the Global Forum in 2011, "*Recognizing* the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

"*Affirming* that crimes against migrants and trafficking in persons continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

"*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for all human rights and fundamental freedoms of migrants, regardless of their migration status,

"*Stressing* the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

"*Stressing* the obligation of States to protect the human rights of migrants regardless of their legal status, and expressing its concern about measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

"*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

"*Concerned* about the large and growing number of migrants, especially women, youths and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants, "*Stressing* that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

"*Recognizing* the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

"*Recognizing also* the obligations of countries of origin, transit and destination under international human rights law,

"*Underlining* the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and prevent individuals from utilizing dangerous means to cross international borders,

"1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women, youths and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

"2. *Expresses its concern* over the impact of economic and financial crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

"3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights, and in this regard:

"(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

"(b) Expresses concern at legislation and its interpretation, practices and measures adopted by some States, as well as legislative initiatives, that may lead to a discriminatory treatment and restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention and on how it has influenced policy and practice to strengthen the protection of migrants, particularly in the context of its twentieth anniversary;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its eleventh and twelfth sessions, and notes in particular the report of the day of general discussion on migrant domestic workers, held on 14 October 2009, including the recommendations contained therein;

"4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women, youths and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

"(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

"(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

"(c) Encourages States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

"(d) Encourages Member States that have not already done so to enact domestic legislation and take further effective measures to combat international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

"(e) Takes note with appreciation of the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

"(f) Also takes note with appreciation of the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

"(g) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

"(h) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

"(i) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

"(j) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

"(k) Encourages all States to remove unlawful obstacles that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

"(l) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

"5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

"(a) Expresses its concern at the increasing activities of transnational and national organized crime and others who profit from crimes against migrants, especially women, youths and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards, as well as at the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

"(b) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

"(c) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

"(d) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

"(e) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

"(f) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

"(g) Urges States parties to the United Nations Convention against Transnational Organized Crime and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

"6. *Welcomes* the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

"7. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

"(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

"(b) Encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

"(c) Also encourages States to strengthen further their cooperation in protecting witnesses and victims of smugglers and traffickers;

"(d) Further encourages States, with the support of the United Nations system and other relevant international organizations and multilateral institutions, to promote the collection and processing of comparable and reliable data on the numbers and conditions of migrants in countries of origin, transit and destination, as appropriate, in order to improve national, regional and international measures aiming at ensuring a more effective protection of migrants;

"(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

"(f) Invites the Chair of the Committee to address the General Assembly at its sixty-sixth session under the item entitled 'Promotion and protection of human rights';

"(g) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-sixth session under the item entitled 'Promotion and protection of human rights';

"8. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-sixth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular how the Convention has influenced policy and practice to strengthen the protection of migrants, particularly in the context of its twentieth anniversary, and decides to examine the question further under the item entitled 'Promotion and protection of human rights'."

83. At its 47th meeting, on 18 November, the Committee had before it a revised draft resolution entitled "Protection of migrants" (A/C.3/65/L.34/Rev.1), submitted by the sponsors of A/C.3/65/L.34 and Algeria, Angola, Brazil, Burkina Faso, Cape Verde, Colombia, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Guyana, India, Indonesia, Jamaica, Morocco, Nigeria, Portugal, Sri Lanka and Turkey.

84. At the same meeting, the representative of El Salvador made a statement (see A/C.3/65/SR.47).

85. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/65/L.34/Rev.1 (see para. 135, draft resolution VII).

86. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Belgium (on behalf of the European Union and associated countries) (see A/C.3/65/SR.47).

H. Draft resolution A/C.3/65/L.35 and Rev.1

87. At the 42nd meeting, on 4 November, the representative of Austria, on behalf of Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Human rights in the administration of justice" (A/C.3/65/L.35), which read:

> "*The General Assembly*,
>
> "*Bearing in mind* the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, in particular articles 6 and 10 of the Covenant, and all other relevant treaties,
>
> "*Recalling* all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 60/159 of 16 December 2005 and 62/158 of 18 December 2007, Human Rights Council resolution 10/2 of 25 March 2009 and Economic and Social Council resolution 2009/26 of 30 July 2009,
>
> "*Calling attention* to the numerous international standards in the field of the administration of justice,
>
> "*Welcoming* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),
>
> "*Welcoming also* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,
>
> "*Acknowledging* the efforts made by the Secretary-General to improve the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice,
>
> "*Noting with appreciation* the important work of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the relevant special procedure mandate

holders of the Human Rights Council and the United Nations Children's Fund in the administration of justice, and welcoming their increased attention to the issue of justice for children and women in detention,

"*Noting with satisfaction* the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

"*Convinced* that the independence and impartiality of the judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights, the rule of law, good governance, democracy and sustainable development, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

"*Recalling* that every State should provide an effective framework of remedies to redress human rights grievances or violations,

"*Emphasizing* that the right to access to justice, including that of women, forms an important basis for strengthening the rule of law through the administration of justice,

"*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

"*Aware* of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

"*Reaffirming* that the best interests of the child must be a primary consideration in all decisions concerning children in the administration of justice, including in relation to pretrial measures, as well as an important consideration in all matters concerning the child when sentencing primary caregivers of children,

"1. *Welcomes* the most recent report submitted by the Secretary-General to the Human Rights Council on human rights in the administration of justice, including juvenile justice, emphasizing, inter alia, that the administration of justice extends beyond the criminal justice system to other means of administering justice;

"2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

"3. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

"4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

"5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

"6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

"7. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"8. *Welcomes* the establishment of an open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps, and encourages the expert group to actively engage with the Office of the United Nations High Commissioner for Human Rights;

"9. *Encourages* States to endeavour to reduce, where appropriate, pretrial detention by adopting legislation on preconditions for pretrial detention and on alternative measures, and to promote increased access to justice and legal advice and assistance;

"10. *Also encourages* States to draw on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) when developing and implementing relevant legislation, procedures, policies and action plans, and invites treaty bodies, relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights and all other relevant organizations to pay attention to these rules in their activities;

"11. *Stresses* the importance of paying greater attention to the impact of imprisonment of parents on their children and welcomes in this respect the activities of the Committee of the Rights of the Child, and notes with interest, in particular, the planned day of general discussion by the Committee in 2011 on the theme 'The situation of children of prisoners';

"12. *Calls upon* States to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and emphasizes that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caregiver, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

"13. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, including relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

"14. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency with a view also to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

"15. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

"16. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

"17. *Calls upon* States to improve the collection of information on children within the criminal justice system and on the reasons leading to their placement in justice and care institutions, and to consider establishing independent monitoring mechanisms to safeguard their rights and address their complaints;

"18. *Invites* Governments to provide for tailored and interdisciplinary training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

"19. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

"20. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

"21. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

"22. *Calls upon* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with the Department of Peacekeeping Operations of the Secretariat;

"23. *Requests* the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Peacebuilding Commission and the Rule of Law Unit, in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

"24. *Calls upon* relevant special procedure mandate holders of the Human Rights Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, whenever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

"25. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole;

"26. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-seventh session under the item entitled 'Promotion and protection of human rights'."

88. At its 49th meeting, on 19 November, the Committee had before it a revised draft resolution entitled "Human rights in the administration of justice" (A/C.3/65/L.35/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.35 and Andorra, Angola, Canada, Costa Rica, the Gambia, India, Israel, Japan, Lebanon, Mexico, Morocco, Panama, the Philippines, San Marino, Thailand and Ukraine.

89. At the same meeting, the representative of Austria orally revised draft resolution A/C.3/65/L.35/Rev.1 as follows:

(a) At the end of the fourth preambular paragraph, the words "as a recent development recommended for due consideration" were inserted;

(b) In the seventh preambular paragraph, the words "and relevant contributions of special procedure mandate holders of the Human Rights Council" were deleted after the words "United Nations Children's Fund";

(c) After the eleventh preambular paragraph, a new preambular was inserted, reading:

> "*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity";

(d) In the final preambular paragraph, the words "parents, legal guardian or other sole or primary caregiver" were replaced with the words "parents, or, where applicable, legal guardians or primary caregivers";

(e) In operative paragraph 9, the word "effective" was deleted before the words "access to justice";

(f) In operative paragraph 11, the word "upcoming" was inserted before the words "day of general discussion";

(g) In operative paragarph 13, the words "as well as relevant international standards" were replaced by the words "bearing in mind relevant international standards";

(h) In operative paragraph 14, the words "to comply with the principle" were replaced by the words "complying with the principle";

(i) In operative paragraph 18, the words "*Further encourages* States to establish independent mechanisms" were replaced by the words "*Calls upon* States to consider establishing independent national or subnational mechanisms"; and the words "children's complaints" were replaced by the words "children's concerns".

90. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/65/L.35/Rev.1, as orally revised (see para. 135, draft resolution VIII).

91. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/65/SR.49).

I. Draft resolution A/C.3/65/L.36 and Rev.1

92. At the 43rd meeting, on 9 November, the representative of Peru, on behalf of Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, the Congo, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Luxembourg, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Tuvalu, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, Uruguay,

Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/65/L.36), which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and other human rights instruments adopted by the United Nations,

"*Recalling* its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 63/175 of 18 December 2008 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

"*Recalling also* its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

"*Recalling further* Human Rights Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008 and 12/19 of 2 October 2009,

"*Recalling* Human Rights Council resolution 15/19 of 30 September 2010, in which it invited the independent expert on the question of human rights and extreme poverty, on the basis of the report of the Office of the United Nations High Commissioner for Human Rights, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty,

"*Reaffirming* the internationally agreed development goals, including the Millennium Development Goals, and welcoming the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals and recalling its outcome document contained in resolution 65/1 of 22 September 2010,

"*Deeply concerned* that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty, "*Deeply concerned also* that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

"*Stressing* that special attention should be given to children, older persons, persons with disabilities and indigenous peoples who are living in extreme poverty,

"*Concerned* by the challenges faced today, including those derived from the financial and economic crisis, volatile energy and food prices and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by their impact on the increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

"*Recognizing* that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

"*Recognizing also* that social protection is beneficial to the realization of human rights for all, in particular for those who are most vulnerable and marginalized and who are trapped in poverty and subject to multiple forms of discrimination,

"*Stressing* the necessity of better understanding and addressing the causes and consequences of extreme poverty,

"*Reaffirming* that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

"*Stressing* that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

"*Reaffirming* that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

"1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

"2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

"3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society, community-based social organizations and the

United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

"4. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

"5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

"6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration, in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger;

"7. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;

"8. *Further reaffirms* the commitment made at the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals to accelerating progress in order to eradicate extreme poverty and hunger;

"9. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the progress made towards the achievement of the Millennium Development Goals;

"10. *Encourages* States to implement or reinforce a human rights-based approach to their social protection systems and calls upon States that have not done so to include the gender perspective in the planning, implementation and monitoring of their social protection systems;

"11. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

"12. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those arising from the financial and economic crisis, volatile energy and food prices and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing its cooperation to help build national capacities;

"13. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals as envisaged in the Millennium Declaration, in particular basic education and training for eradicating illiteracy, efforts towards expanded secondary and higher education, vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, and in this context reaffirms the Dakar Framework for Action adopted at the World Education Forum in 2000, and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as a tool to achieve the Millennium Development Goal of universal primary education by 2015;

"14. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites her to further pursue the work in this area;

"15. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and the international financial institutions to proceed likewise;

"16. *Invites* States, as well as relevant United Nations organizations, intergovernmental organizations, United Nations treaty bodies, relevant special procedures mandate holders of the Human Rights Council, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders, to contribute to the work of the United Nations High Commissioner for Human Rights by expressing their views, comments and suggestions on the progress report of the independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights;

"17. *Invites* the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, to participate in the two-day consultation that the High Commissioner will organize, within existing resources, in Geneva before June 2011 on the progress report on the draft guiding principles;

"18. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

"19. *Also welcomes* the work on social protection and human rights undertaken by the independent expert on the question of human rights and extreme poverty and her reports submitted to the General Assembly at its sixty-fourth and sixty-fifth sessions;

> "20. *Decides* to consider the question further at its sixty-seventh session under the sub-item entitled 'Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms'."

93. At its 44th meeting, on 11 November, the Committee had before it a revised draft resolution entitled "Human rights and extreme poverty" (A/C.3/65/L.36/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.36 and Bosnia and Herzegovina, Burkina Faso, Colombia, the Comoros, Côte d'Ivoire, Germany, Israel, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Madagascar, Malta, Morocco, Namibia, the Niger, the Philippines, the Republic of Korea, Seychelles, the Sudan, Suriname, Sweden, Togo, Trinidad and Tobago, Uganda and Ukraine. At the same meeting, Zimbabwe withdrew as a sponsor of the revised draft resolution.

94. At the same meeting, statements were made by the representatives of Guatemala, Peru, South Africa and the United States of America (see A/C.3/65/SR.44).

95. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/65/L.36/Rev.1 (see para. 135, draft resolution IX).

96. After the adoption of the draft resolution, the representative of Mexico made a statement (see A/C.3/65/SR.44).

J. Draft resolution A/C.3/65/L.37

97. At the 42nd meeting, on 4 November, the representative of Japan, on behalf of Albania, Andorra, Australia, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, El Salvador, Estonia, Finland, Greece, Hungary, India, Indonesia, Israel, Italy, Japan, Jordan, Mali, Nicaragua, Peru, Poland, Portugal, the Republic of Moldova, Romania, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam, introduced a draft resolution entitled "Elimination of discrimination against persons affected by leprosy and their family members" (A/C.3/65/L.37). Subsequently, Angola, Afghanistan, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Bulgaria, Burundi, the Comoros, the Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, France, Germany, Georgia, Guatemala, Guyana, Haiti, Iran (Islamic Republic of), Kazakhstan, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Mauritius, Malawi, Malta, Mexico, Mongolia, Montenegro, the Netherlands, Nigeria, the Philippines, Paraguay, the Republic of Korea, Saint Lucia, Serbia, Singapore, Slovakia, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, Venezuela (Bolivarian Republic of) and Yemen joined in sponsoring the draft resolution.

98. At the 46th meeting, on 16 November, the representative of Japan orally revised the third preambular paragraph by deleting the word "basic" before the words "human rights".

99. Also as its 46th meeting, the Committee adopted draft resolution A/C.3/65/L.37, as orally revised (see para. 135, draft resolution X).

K. Draft resolution A/C.3/65/L.38

100. At the 43rd meeting, on 9 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Botswana, Burundi, Cameroon, Cape Verde, the Central African Republic, China, the Comoros, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Grenada, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, the Niger, Oman, Pakistan, the Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Tajikistan, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/65/L.38). Subsequently, Burkina Faso, Ghana, India, Liberia, Nigeria and Togo joined in sponsoring the draft resolution.

101. At its 46th meeting, on 16 November, the Committee adopted draft resolution A/C.3/65/L.38 by a recorded vote of 122 to 53 (see para 135, draft resolution XI). The voting was as follows:[2]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy,

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[2] The delegation of Benin subsequently indicated that it had intended to vote in favour.

Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

102. Statements were made before the vote by the representatives of Brazil and Belgium (on behalf of the European Union and associated countries); a statement was made after the vote by the representative of Chile (see A/C.3/65/SR.46).

L. Draft resolution A/C.3/65/L.39

103. At the 42nd meeting, on 4 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, China and El Salvador, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/65/L.39).

104. At the 49th meeting, on 19 November, the representative of Cuba orally revised operative paragraph 2 of the draft resolution by inserting, after the words "medical care", the words "and education".

105. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.39, as orally revised, by a recorded vote of 124 to 53 (see para. 135, draft resolution XII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

M. Draft resolution A/C.3/65/L.40

106. At the 42nd meeting, on 4 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, China and El Salvador, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/65/L.40).

107. At its 49th meeting, on 19 November, the Committee adopted draft resolution A/C.3/65/L.40 (see para. 135, draft resolution XIII).

N. Draft resolution A/C.3/65/L.41 and Rev.1

108. At the 42nd meeting, on 4 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, China and El Salvador, introduced a draft resolution entitled "The right to development" (A/C.3/65/L.41), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

"*Recalling* the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields,

"*Recalling further* that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development, "*Stressing* that the Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

"*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,

"*Deeply concerned* that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

"*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

"*Expressing deep concern* over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

"*Recalling* the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme 'Addressing the opportunities and challenges of globalization for development',

"*Recalling also* all its previous resolutions, Human Rights Council resolution 15/25 of 1 October 2010, previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998 on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

"*Recalling* that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

"*Welcoming* the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,

"*Recalling* the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, and the previous summits and conferences at which the States members of the Movement stressed the need to operationalize the right to development as a priority,

"*Reiterating its continuing support* for the New Partnership for Africa's Development as a development framework for Africa, "*Deeply concerned* by the negative impacts of the global economic and financial crises on the realization of the right to development,

"*Recognizing* that poverty is an affront to human dignity,

"*Recognizing also* that extreme poverty and hunger are the greatest global threat that requires the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

"*Recognizing further* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

"*Stressing* that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

"1. *Endorses* the recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session, and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

"2. *Supports* the realization of the mandate of the Working Group, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008, with the recognition that the Working Group will convene annual sessions of five working days and submit its reports to the Council;

"3. *Also supports* the realization of the mandate of the high-level task force on the implementation of the right to development established within the framework of the Working Group, as renewed by the Human Rights Council in its resolution 9/3, with the further recognition that the task force will convene annual sessions of seven working days and submit its reports to the Working Group;

"4. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level as and on a par with all other human rights and fundamental freedoms;

"5. *Notes with appreciation* that the high-level task force continued its work, including the consolidation of findings and the list of right to development criteria and corresponding operational sub-criteria;

"6. *Endorses* the recommendations of the Working Group, as outlined in paragraphs 45 to 47 of its report, which would ensure that the two compilations of the submissions to be received from Governments, groups of Governments and regional groups as well as the inputs to be received from other stakeholders, on the work of the high-level task force and the way forward, will be presented to the Working Group at its twelfth session, in 2011;

"7. *Stresses* the importance that views requested of Member States and relevant stakeholders on the work of the high-level task force and the way forward take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development and resolutions on the right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly;

"8. *Also stresses* that the above-mentioned compilations of views, criteria and corresponding operational sub-criteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

"9. *Emphasizes* the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and to develop the standards into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

"10. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session, congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

"11. *Also stresses* that it is important that the high-level task force and the Working Group, in the discharge of their mandates, take into account the need:

"(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

"(b) To also promote effective partnerships such as the New Partnership for Africa's Development and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

"(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

"(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

"(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

"12. *Encourages* the Human Rights Council to consider how to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

"13. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its first four sessions by the Subcommission on the Promotion and Protection of Human Rights;

"14. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

"15. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

"16. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

"17. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

"18. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

"19. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights;

"20. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

"21. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

"22. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

"23. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development owing to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises as well as global climate change;

"24. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

"25. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

"26. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

"27. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization; the implementation of commitments on implementation-related issues and concerns; a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; the avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

"28. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development; stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions; and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

"29. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

"30. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

"31. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

"32. *Welcomes* the Political Declaration on HIV/AIDS adopted at the High-level Meeting on HIV/AIDS of the General Assembly on 2 June 2006, stresses that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

"33. *Recalls* the Convention on the Rights of Persons with Disabilities, which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in the realization of the right to development;

"34. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, and reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

"35. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

"36. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption, particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

"37. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

"38. *Reaffirms* the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council;

"39. *Also reaffirms* the request to the Office of the High Commissioner, in consultation with States Members of the United Nations and other relevant stakeholders, to launch preparations for the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development in 2011;

"40. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

"41. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

"42. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-sixth session."

109. At its 50th meeting, on 22 November, the Committee had before it a revised draft resolution entitled "The right to development" (A/C.3/65/L.41/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.41.

110. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.41/Rev.1 by a recorded vote of 130 to 22, with 28 abstentions (see para. 135, draft resolution XIV). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, New Zealand, Poland, Republic of Korea, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Austria, Croatia, Cyprus, Finland, France, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, Norway, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

111. Before the vote, statements were made by the representatives of Egypt (on behalf of the Non-Aligned Movement), the United States of America and Canada; after the vote, statements were made by the representatives of Switzerland and Belgium (on behalf of the European Union) (see A/C.3/65/SR.50).

O. Draft resolution A/C.3/65/L.42 and Rev.1

112. At the 42nd meeting, on 4 November, the representative of Cuba on behalf of Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Burundi, Cambodia, Cameroon, the Central African Republic, Chile, China, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Djibouti, Egypt, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Haiti, Honduras, India, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Panama, Paraguay, Peru, Qatar, the Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Turkmenistan, the United Arab Emirates, the United Republic of Tanzania, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/65/L.42), which read:

> "*The General Assembly*,
>
> "*Reaffirming* all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,
>
> "*Recalling* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,
>
> "*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,
>
> "*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,
>
> "*Reaffirming* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate

Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

"*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

"*Reaffirming further* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

"*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

"*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

"*Recognizing* that the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, is a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States,

"*Resolved* to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current global food crisis,

"*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

"*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

"*Recognizing* the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all, "*Recognizing also* the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

"*Taking note* of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,

"*Acknowledging* the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

"1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

"2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

"3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished has grown to about one billion worldwide, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

"4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

"5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

"6. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture

Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

"7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

"8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

"9. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

"10. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

"11. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food;

"12. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

"13. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority;

"14. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

"15. *Notes* the need to further examine various concepts such as, inter alia, 'food sovereignty' and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

"16. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

"17. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

"18. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

"19. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

"20. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

"21. *Recalls* the importance of the New York Declaration on action against hunger and poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

"22. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

"23. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

"24. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

"25. *Stresses* the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, and institutional innovations such as community seed banks, farmer field schools and seed fairs and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

"26. *Also stresses* that States parties to the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food;

"27. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

"28. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

"29. *Takes note with appreciation* of the interim report of the Special Rapporteur;

"30. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 6/2 of 27 September 2007;

"31. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

"32. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

"33. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

"34. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, seven represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

"35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

"36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

"37. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-sixth session on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

"38. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

"39. *Decides* to continue the consideration of the question at its sixty-sixth session under the item entitled 'Promotion and protection of human rights'."

113. At the 50th meeting, on 22 November, the Committee had before it a revised draft resolution entitled "The right to food" (A/C.3/65/L.42/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.42 and Albania, Austria, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Cape Verde, Croatia, Cyprus, the Democratic Republic of the Congo, the Dominican Republic, Fiji, Finland, France, the Gambia, Germany, Greece, Guinea-Bissau, Guyana, Iceland, Indonesia, Ireland, Italy, Japan, Lebanon, Liechtenstein, Luxembourg,

Malawi, Malta, Mexico, Monaco, Mongolia, Montenegro, Mozambique, Nauru, the Netherlands, Norway, the Philippines, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, San Marino, Serbia, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Tuvalu, Uganda, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

114. At the same meeting, the representative of Cuba made a statement (see A/C.3/65/SR.50).

115. Statements were made by the representatives of Argentina, the United States of America and Belgium (on behalf of the European Union and associated countries) (see A/C.3/65/SR.50).

116. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/65/L.42/Rev.1 (see para. 135, draft resolution XV).

P. Draft resolution A/C.3/65/L.43 and Rev.1

117. At the 43rd meeting, on 9 November, the representative of Mexico, on behalf of Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Latvia, Luxembourg, Mali, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nicaragua, Paraguay, Peru, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/65/L.43), which read:

"*The General Assembly*,

"*Reaffirming* the purposes and principles of the Charter of the United Nations,

"*Reaffirming also* the Universal Declaration of Human Rights,

"*Recalling* the Vienna Declaration and Programme of Action,

"*Reaffirming* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

"*Reaffirming also* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

"*Reiterating* the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect, "*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and humanitarian law,

"*Noting with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

"*Stressing* that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,

"*Recalling* article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

"*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

"*Recognizing* that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

"*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

"*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in the fight against terrorism,

"*Recalling* its resolution 64/168 of 18 December 2009 and Human Rights Council resolution 13/26 of 26 March 2010 and other relevant resolutions and decisions as stated in the preamble to resolution 64/168, and welcoming the efforts of all relevant stakeholders to implement those resolutions, "*Recognizing* the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, and the second biennial review, on 8 September 2010, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

"*Recalling* Human Rights Council resolution 15/15 of 30 September 2010, by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

"1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

"3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as international refugee and humanitarian law, committed in the context of countering terrorism;

"4. *Reaffirms* that counter-terrorism measures should be implemented in accordance with international law, including international human rights, refugee and humanitarian law, thereby taking into full consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

"5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations, and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

"6. *Urges* States, while countering terrorism:

"(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

"(b) To take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

"(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

"(d) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

"(e) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian and refugee law;

"(f) To safeguard the right to privacy in accordance with international law, and take measures to ensure that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

"(g) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

"(h) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

"(i) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

"(j) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

"(k) Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country;

"(l) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

"(m) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

"(n) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed to prevent the risk of violations of their obligations under international law, including international human rights, refugee and humanitarian law;

"(o) To ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims receive adequate, effective and prompt reparations, where appropriate, including by bringing to justice those responsible for such violations;

"(p) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in their respective fields of applicability;

"(q) To shape and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination;

"7. *Urges* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

"8. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in its resolution 61/177 of 20 December 2006, and recognizes that the entry into force of the Convention and its implementation will be an important step in support of the rule of law in countering terrorism;

"9. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by establishing an office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

"10. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

"11. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the need to respect human rights and the rule of law while countering terrorism;

"12. *Takes note* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism, submitted pursuant to resolution 64/168;

"13. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

"14. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

"15. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights, refugee and humanitarian law, while countering terrorism, and to ensure that each Working Group of the Task Force incorporates a human rights perspective into its work;

"16. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates and as appropriate, related to the prevention and suppression of terrorism to step up their efforts to ensure, respect for international human rights, refugee and humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

"17. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation;

"18. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

"19. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to make recommendations in the context of his mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;

"20. *Requests* all Governments to cooperate fully with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, and to give serious consideration to responding favourably to his requests to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

"21. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

"22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-sixth session;

"23. *Decides* to consider at its sixty-sixth session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism."

118. At the 50th meeting, on 22 November, the Committee had before it a revised draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/65/L.43/Rev.1), submitted by the sponsors of draft resolution A/C.3/65/L.43 and Andorra, Belarus, Germany, Italy, Japan, Liechtenstein, Lithuania, Malta, the Netherlands, New Zealand, Norway, Panama, Poland, the Russian Federation, San Marino, Suriname and Venezuela (Bolivarian Republic of). Subsequently, Angola, Canada, Cape Verde, Egypt, India and Ukraine joined in sponsoring the draft resolution.

119. At same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, the words "and enhancing" were deleted before the words "international cooperation";

(b) At the end of operative paragraph 13, the words "and stresses the need to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism" were deleted;

(c) After operative paragraph 13, a new paragraph was inserted, reading:

"14. Calls upon the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism";

and the remaining paragraphs were renumbered accordingly;

(d) In operative paragraph 15 (former paragraph 14), the words "each Working Group of the Task Force to incorporate a human rights perspective into its work" was replaced by the words "the Working Groups of the Task Force to incorporate a human rights perspective into their work";

(e) In operative paragraph 20 (former paragraph 19), the words "including on good practices concerning measures adopted in this regard" were deleted at the end of the paragraph.

120. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.43/Rev.1, as orally revised (see para. 135, draft resolution XVI).

Q. Draft resolution A/C.3/65/L.44

121. At the 42nd meeting, on 4 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Benin, Bolivia (Plurinational State of), Cameroon, China, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Ecuador, El Salvador, Eritrea, Ethiopia, Grenada, Iran (Islamic Republic of), the Lao People's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Mali, Myanmar, Namibia, Nicaragua, Saint Vincent and the Grenadines, Solomon Islands, the Sudan, the Syrian Arab Republic, Turkmenistan, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all" (A/C.3/65/L.44).

122. At the 49th meeting, on 19 November, Bangladesh, Burundi, the Comoros, the Gambia, India, Jamaica, Kenya, Madagascar, Nigeria, the Russian Federation, Swaziland, Tunisia and Uganda joined in sponsoring the draft resolution.

123. At the same meeting, a statement was made by the representative of Cuba (see A/C.3/65/SR.49).

124. Before the vote, a statement was made by the representative of Belgium on behalf of the European Union (see A/C.3/65/SR.49).

125. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/65/L.44 by a recorded vote of 118 to 53, with 6 abstentions (see para. 135, draft resolution XVII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Chile, Democratic Republic of the Congo, Maldives, Samoa, Singapore.

R. Draft resolution A/C.3/65/L.45

126. At the 42nd meeting, on 4 November, the representative of Cuba, on behalf of Algeria, Angola, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Burundi, Cambodia, Cameroon, China, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Honduras, India, Iran (Islamic Republic of), Jamaica, the Lao People's Democratic Republic, Liberia, the Libyan Arab Jamahiriya, Malaysia, Mali, Myanmar, Nicaragua, the Niger, Pakistan, the Russian Federation, Saint Vincent and the Grenadines, Solomon Islands, the Sudan, the Syrian Arab Republic, Swaziland, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Promotion of a democratic and equitable international order" (A/C.3/65/L.45).

127. At the 49th meeting, on 19 November, Botswana, Burkina Faso, the Comoros, Congo, the Democratic Republic of the Congo, Indonesia, Lebanon, Lesotho, Madagascar, Nigeria, Tunisia and Zambia joined in sponsoring the draft resolution.

128. At the same meeting, the representative of Cuba made a statement (see A/C.3/65/SR.49).

129. Before the vote, a statement was made by the representative of Belgium on behalf of the European Union (see A/C.3/65/SR.49).

130. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/65/L.45 by a recorded vote of 118 to 53, with 5 abstentions (see para. 135, draft resolution XVIII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru.

S. Draft resolution A/C.3/65/L.46/Rev.1

131. At the 50th meeting, on 22 November, the representative of Morocco, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Combating defamation of religions" (A/C.3/65/L.46/Rev.1).

132. At the 52nd meeting, on 23 November, the representative of Morocco made a statement on behalf of the Organization of the Islamic Conference (see A/C.3/65/SR.52).

133. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.46/Rev.1 by a recorded vote of 76 to 64, with 42 abstentions (see para. 135, draft resolution XIX). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Abstaining:

Albania, Antigua and Barbuda, Armenia, Barbados, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Democratic Republic of the Congo, Ecuador, Gabon, Ghana, Grenada, Guatemala, Haiti, Honduras, India, Jamaica, Japan, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mongolia, Nepal, Paraguay, Peru, Rwanda, Saint Kitts and Nevis, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Vanuatu.

134. Before the vote, statements were made by the representatives of Belgium (on behalf of the European Union), the United States of America and Switzerland; after the vote, statements were made by the representatives of Brazil, the United Kingdom of Great Britain and Northern Ireland, Singapore, Guatemala and Morocco (on behalf of the Organization of the Islamic Conference), as well as by the observer for the Holy See (see A/C.3/65/SR.52).

III. Recommendations of the Third Committee

135. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

Reaffirming its resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make information available on the use of the death penalty,

Noting also the technical cooperation among Member States in relation to moratoriums on the death penalty,

1. *Welcomes* the report of the Secretary-General on the implementation of resolution 63/168[4] and the recommendations contained therein;

2. *Also welcomes* the steps taken by some countries to reduce the number of offences for which the death penalty can be imposed and the decisions made by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

3. *Calls upon* all States:

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] A/65/280 and Corr.1.

1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates;

(c) To progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed;

(d) To establish a moratorium on executions with a view to abolishing the death penalty;

4. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

6. *Decides* to continue consideration of the matter at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

Draft resolution II

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions,

Reaffirming its resolution 63/169 of 18 December 2008 regarding the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights, welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Reaffirming its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolution 64/161 of 18 December 2009,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of the Ombudsman, mediator and other national human rights institutions for the promotion and protection of human rights and recognizing the important role these institutions can play, in accordance with their mandate, in support of domestic complaint resolution,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to the field of their competences,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can have an important role in advising the Government with respect to bringing national legislation and national practices in line with their international human rights obligations,

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediators and other national human rights institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the establishment of the Association of Mediterranean Ombudsmen, the active continuing work of the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of the Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network and the International Ombudsman Institute,

1. *Takes note with appreciation* of the report of the Secretary-General on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights;[3]

2. *Encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions;

(b) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Ombudsman, mediator and other national human rights institutions;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,[2] it is the right of each State to choose the framework for national institutions, including Ombudsman, mediator and other national human rights institutions, that is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Notes* the participation of the Office of the United Nations High Commissioner for Human Rights at the World Conference of the International Ombudsman Institute in Stockholm in June 2009, and welcomes the active participation of the Office in all international and regional meetings of Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the High Commissioner for Human Rights, through its advisory services, to develop and support activities dedicated to existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* Ombudsman, mediator and other national human rights institutions, where they exist:

(a) To operate, as appropriate, in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights[4] and other relevant international instruments, in order to strengthen their independence and autonomy and enhance their capacity, to assist Member States in the promotion and protection of human rights;

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[3] A/65/340.

[4] Resolution 48/134, annex.

(b) To request, in cooperation with the Office of the United Nations High Commissioner for Human Rights, their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution.

Draft resolution III
Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Reaffirming the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 8/3 of 18 June 2008,[3]

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949,[4] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

Noting with deep concern that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Acknowledging that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[5] and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes as set out in General Assembly resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of human rights or a negative impact on the enjoyment of human rights, particularly the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. III, sect. A.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[5] Ibid., vol. 2187, No. 38544.

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[6]

4. *Calls upon* Governments and invites intergovernmental and non-governmental organizations to pay greater attention to the work of national level commissions of inquiry into extrajudicial, summary or arbitrary executions with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary and arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;

6. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts, and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[8] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[9]

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[6] Economic and Social Council resolution 1989/65, annex.

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] Resolution 34/169, annex.

[9] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

(b) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for discriminatory reasons on any basis as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for their human rights and to ensure that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[10] and, where applicable, to the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto, of 8 June 1977[11] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

9. *Urges* States to prevent and, where such situations exist, to end prisoner control of prisons, bearing in mind the obligation of the State to protect human rights, including the protection against extrajudicial, summary or arbitrary executions;

10. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, taking note of the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, and further welcomes the fact that one hundred and fourteen States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute of the Court,[5] and calls upon all those States that have not ratified or acceded to the Rome Statute to give serious consideration to doing so;

11. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, and urges States to intensify efforts to establish and implement effective witness

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[10] *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[11] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

12. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

13. *Expresses its concern* about the occurrence of vigilante killings around the globe, encourages States, in order to support efforts to prevent and end such killings, to undertake or facilitate systematic studies of the phenomenon, with a view to taking context-specific measures and focused action, and requests the Office of the High Commissioner and other relevant United Nations entities, upon request, to support such studies and their follow-up;

14. *Notes* the potential of new technologies in the prevention and investigation of extrajudicial, summary or arbitrary executions, encourages the Office of the High Commissioner to consider convening, within existing resources, an expert consultation to discuss the current and potential human rights applications of new technologies and the risks and obstacles to their effective use, open to the participation of Governments, regional organizations, relevant United Nations bodies, civil society organizations and other relevant stakeholders, and invites the Office of the High Commissioner to report on the outcome of the consultation, in the form of a summary of discussions, to the Human Rights Council;

15. *Takes note* of the reports of the Special Rapporteur to the General Assembly;[12]

16. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

17. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges him to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

18. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

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[12] See A/64/187 and A/65/321.

19. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

20. *Expresses its appreciation* to those States that have received the Special Rapporteur and asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

21. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

22. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

23. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

24. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-sixth and sixty-seventh sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

25. *Decides* to continue its consideration of the question at its sixty-seventh session.

Draft resolution IV
International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Recalling also its resolution 64/167 of 18 December 2009, as well as relevant resolutions adopted by the Human Rights Council, including resolution 14/10 of 18 June 2010,[1] which took note of the report of the Working Group on Enforced or Involuntary Disappearances[2] and the recommendations contained therein,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, and its implementation, will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Welcoming the fact that, in recent years, 30 August has been observed in many countries around the world as International Day of the Victims of Enforced Disappearances,

1. *Welcomes* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;[3]

2. *Also welcomes* the fact that eighty-seven States have signed the Convention and nineteen have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* (A/65/53), chap. II, sect. A.

[2] A/HRC/13/31 and Corr.1.

[3] Resolution 61/177, annex.

a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Further welcomes* the report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance;[4]

4. *Decides* to declare 30 August International Day of the Victims of Enforced Disappearances, to be observed beginning in 2011, and calls upon Member States, the United Nations system and other international and regional organizations, as well as civil society, to observe this Day;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue with their intensive efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

6. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the status of the Convention and the implementation of the present resolution.

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[4] A/65/257.

Draft resolution V
Missing persons

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto, of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7]

Taking duly into account the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006 by the General Assembly in its resolution 61/177,

Recalling all previous relevant resolutions on missing persons adopted by the General Assembly, as well as the resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council,

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

Noting that the issue of persons reported missing in connection with international or non-international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and inflicts grievous suffering on the families of missing persons, and stressing in this regard the need to address the issue, inter alia, from a humanitarian and rule of law perspective,

Considering that the problem of missing persons may raise questions of international humanitarian law and international human rights law, as appropriate,

Stressing the importance of ending impunity for violations of international humanitarian law and international human rights law with respect to missing persons,

Cognizant that States that are parties to an armed conflict have a responsibility for countering the phenomenon of missing persons, taking all appropriate measures to prevent persons from going missing, determining the fate of missing persons and recognizing their accountability as regards implementing the relevant mechanisms, policies and laws,

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[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[2] Ibid., vol. 1125, Nos. 17512 and 17513.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] A/CONF.157/24 (Part I), chap. III.

Bearing in mind the effective search for and identification of missing persons using forensic sciences, and recognizing that great technological progress has been achieved in this field, including DNA forensic analysis, which can significantly assist efforts to identify missing persons and investigate violations of international humanitarian law and human rights law,

Recalling the Agenda for Humanitarian Action, in particular its general objective 1, to "respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families", adopted at the Twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003, and resolution 3 entitled "Reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict", adopted at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007,

Noting the panel discussion on the question of missing persons held at the ninth session of the Human Rights Council,[8]

Taking note of the progress report of the Human Rights Council Advisory Committee on best practices on the issue of missing persons[9] and of the request of the Human Rights Council to its Advisory Committee to finalize the study on best practices and to submit it to the Council at its sixteenth session,[10]

Taking note with appreciation of the report of the Secretary-General of 12 August 2010 on missing persons, prepared pursuant to General Assembly resolution 63/183 of 18 December 2008,[11]

Taking note with appreciation also of the ongoing international and regional efforts to address the question of missing persons and of the initiatives undertaken by international and regional organizations in this field,

1. *Urges* States to strictly observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949[1] and, where applicable, in the Additional Protocols thereto, of 1977;[2]

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict, account for persons reported missing as a result of such a situation and ensure the effective investigation and prosecution of offences linked to missing persons, consistent with their international obligations;

3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

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[8] A/HRC/10/10.

[9] A/HRC/14/42.

[10] A/HRC/DEC/14/118.

[11] A/65/285.

5. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest possible extent, to provide their family members, through appropriate channels, with all relevant information they have on their fate;

6. *Recognizes*, in this regard, the need for the collection, protection and management of data on missing persons according to international and national legal norms and standards, and urges States to cooperate with each other and with other concerned actors working in this area, inter alia, by providing all relevant and appropriate information related to missing persons;

7. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children and to reunite them with their families;

8. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all such legal and practical measures and coordination mechanisms as may be necessary, based on humanitarian considerations only;

9. *Urges* States that are parties to an armed conflict to cooperate, consistent with their international obligations, in order to effectively solve cases of missing persons, including by providing mutual assistance in terms of information-sharing, victim assistance, location and identification of missing persons and the recovery, identification and return of human remains;

10. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States, and welcomes in this regard the establishment and efforts of commissions and working groups on missing persons;

11. *Calls upon* States, without prejudice to their efforts to determine the fate of persons missing in connection with armed conflicts, to take appropriate steps with regard to the legal situation of missing persons and the needs of their family members, in fields such as social welfare, financial matters, family law and property rights;

12. *Stresses* the need to address the issue of missing persons as a part of peace and peacebuilding processes, with reference to all justice and rule of law mechanisms, including the judiciary, parliamentary commissions and truth-finding mechanisms, on the basis of transparency, accountability and public involvement and participation;

13. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the General Assembly;

14. *Requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution, including relevant recommendations, to the Human Rights Council at its relevant session and to the General Assembly at its sixty-seventh session;

15. *Also requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

16. *Decides* to consider the question at its sixty-seventh session.

Draft resolution VI
Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[1]

Recalling also article 18 of the International Covenant on Civil and Political Rights,[2] article 18 of the Universal Declaration of Human Rights[3] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 64/164 of 18 December 2009 and Human Rights Council resolution 14/11 of 18 June 2010,[4]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities across the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as at the Durban Review Conference,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities are sometimes tolerated or encouraged by official authorities,

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[1] See resolution 36/55.

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* (A/65/53), chap. III, sect. A.

Concerned also at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and at the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

Seriously concerned at all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses* concern over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Expresses concern* at the continued existence of instances of religious intolerance, as well as emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights, as well as other international documents;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

12. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that existing legislation is not implemented in a discriminatory way or does not result in discrimination based on religion or belief, and that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in the society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

13. *Welcomes* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including the freedom of religion or belief;

14. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the United Nations Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

15. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[1] and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

16. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

17. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;[5]

18. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all necessary information and follow-up for the effective fulfilment of his mandate;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-sixth session;

21. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

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[5] See A/65/207.

Draft resolution VII
Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 64/166 of 18 December 2009, and recalling also Human Rights Council resolution 15/16 of 30 September 2010,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[11] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[12] and 2009/1 of 3 April 2009,[13]

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Resolution 61/106, annex I.

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 63/303, annex.

[12] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[13] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

Taking note with appreciation of the United Nations Development Programme *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development*,[14]

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which, inter alia, recognized the relationship between international migration, development and human rights,

Noting the fourth meeting of the Global Forum on Migration and Development, held in Puerto Vallarta, Mexico, from 8 to 11 November 2010, recognizing the discussion on its central theme "Partnerships for migration and human development: shared prosperity — shared responsibility" as a contribution to addressing the multidimensional nature of international migration as well as a step to promote a debate on possible synergies among countries of origin, transit and destination and, where appropriate, other relevant stakeholders, in support of comprehensive and balanced policies, and taking note with appreciation of the generous offer of the Government of Switzerland to assume the presidency of the Global Forum for 2011,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges which migration poses to countries of origin, transit and destination, especially in the light of the impact of the economic and financial crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

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[14] United Nations publication, Sales No. E.09.III.B.1.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12. See also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico v. United States of America) (*Mexico v. United States of America*), *Judgment* (available from www.icj-cij.org/docket/files/139/14939.pdf).

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of economic and financial crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, particularly migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(b) Expresses concern at legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its eleventh and twelfth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration, in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

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[17] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 48* (A/65/48).

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern at the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(e) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(f) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(g) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(h) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

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[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

(e) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, and in this regard underlines the importance of adequately taking into account the human rights perspective as one of the priorities of the informal thematic debate on international migration and development, to be held in 2011, as well as in the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly, in 2013, as decided by the Assembly in its resolution 63/225 of 19 December 2008;

(f) Invites the Chair of the Committee to address the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

(g) Invites the Special Rapporteur to submit his report to the General Assembly at its sixty-sixth session under the item entitled "Promotion and protection of human rights";

10. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-sixth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, in particular how the Convention has influenced policy and practice, where applicable, to strengthen the protection of migrants, in the context of its twentieth anniversary, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

Draft resolution VIII
Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6 and 10 of the Covenant, and all other relevant international treaties,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 60/159 of 16 December 2005 and 62/158 of 18 December 2007, Human Rights Council resolution 10/2 of 25 March 2009 and Economic and Social Council resolution 2009/26 of 30 July 2009,

Calling attention to the numerous international standards in the field of the administration of justice,

Welcoming the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), as a recent development recommended for due consideration,[3]

Welcoming also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[4]

Acknowledging the efforts made by the Secretary-General to improve the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice,

Noting with appreciation the important work of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund on the administration of justice,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[3] See Economic and Social Council resolution 2010/16.

[4] A/CONF.213/18, chap. I, resolution 1.

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report submitted by the Secretary-General to the Human Rights Council on human rights in the administration of justice, including juvenile justice, emphasizing, inter alia, that the administration of justice extends beyond the criminal justice system to other means of administering justice;[5]

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

7. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations

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[5] A/HRC/14/34.

under international law, in particular international human rights, refugee and humanitarian law;

8. *Takes note with appreciation* of the decision[6] to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps, and invites, in this regard, the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and also of the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

9. *Encourages* States to endeavour to reduce, where appropriate, pretrial detention, inter alia by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives, and by taking measures aimed at the implementation of existing legislation as well as by ensuring access to justice and legal advice and assistance;

10. *Also encourages* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[3] when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

11. *Stresses* the importance of paying greater attention to the impact of imprisonment of parents on their children, while noting with interest the upcoming day of general discussion on the theme "The situation of children of prisoners" to be organized in 2011 by the Committee on the Rights of the Child;

12. *Calls upon* States to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and emphasizes that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caregiver, appropriate priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

13. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child[7] to abide strictly by its principles and provisions;

14. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a

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[6] See A/C.3/65/L.6.

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and to complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

15. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

16. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

17. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

18. *Calls upon* States to consider establishing independent national or subnational mechanisms to contribute to monitoring and safeguarding the rights of children, including children within their criminal justice systems, and to address children's concerns;

19. *Invites* Governments to provide for tailored and interdisciplinary training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

20. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

21. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

22. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

23. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the

field of the administration of justice, in particular in post-conflict situations and, in this context, to cooperate with relevant departments of the Secretariat, including the Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

24. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and, in this respect, requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

25. *Invites* relevant special procedure mandate holders of the Human Rights Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

26. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the latest developments, challenges and good practices in human rights in the administration of justice, as well as the activities undertaken by the United Nations system as a whole;

27. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

Draft resolution IX
Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of Persons with Disabilities[6] and other human rights instruments adopted by the United Nations,

Recalling its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 63/175 of 18 December 2008 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

Recalling further Human Rights Council resolutions 2/2 of 27 November 2006,[7] 7/27 of 28 March 2008,[8] 8/11 of 18 June 2008[9] and 12/19 of 2 October 2009,[10]

Recalling also Human Rights Council resolution 15/19 of 30 September 2010,[11] in which it invited the independent expert on the question of human rights and extreme poverty, on the basis of the report of the Office of the United Nations High Commissioner for Human Rights, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1249, No. 20378

[4] Ibid., vol. 1577, No. 27531.

[5] Ibid., vol. 660, No. 9464.

[6] Resolution 61/106, annex I.

[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. A.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] Ibid., chap. III, sect. A.

[10] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1).

[11] Ibid., *Supplement No. 53A* (A65/53/Add.1).

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, and welcoming the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals and recalling its outcome document contained in resolution 65/1 of 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Deeply concerned also that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

Stressing that special attention should be given to children, older persons, persons with disabilities and indigenous peoples who are living in extreme poverty,

Concerned by the challenges faced today, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by their impact on the increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

Recognizing also that social protection systems make a critical contribution to the realization of human rights for all, in particular for those who are in vulnerable or marginalized situations and are trapped in poverty and subject to discrimination,

Stressing the necessity of better understanding and addressing the causes and consequences of extreme poverty,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

Reaffirming that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in

the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society, community-based social organizations and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration,[12] in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger;

7. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;[13]

8. *Further reaffirms* the commitment made at the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals to accelerating progress in order to eradicate extreme poverty and hunger;[14]

9. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the gains made towards the achievement of the Millennium Development Goals;

10. *Encourages* States, when designing, implementing, monitoring and evaluating social protection programmes, to ensure gender mainstreaming, and the promotion and protection of all human rights in accordance with their obligations under international human rights law, through this process;

11. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

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[12] See resolution 55/2.

[13] See resolution 60/1.

[14] See resolution 65/1.

12. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing its cooperation to help build national capacities;

13. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals as envisaged in the Millennium Declaration, in particular basic education and training for eradicating illiteracy, and efforts towards expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, and in this context reaffirms the Dakar Framework for Action adopted at the World Education Forum in 2000,[15] and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as a tool to achieve the Millennium Development Goal of universal primary education by 2015;

14. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites her to further pursue the work in this area;

15. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and the international financial institutions to proceed likewise;

16. *Invites* States, as well as relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, relevant special procedures mandate holders of the Human Rights Council, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders, to contribute to the work of the United Nations High Commissioner for Human Rights by expressing their views, comments and suggestions on the progress report on the draft guiding principles submitted by the independent expert on the question of human rights and extreme poverty;[16]

17. *Invites* the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, to participate in the two-day consultation that the High Commissioner will organize, within existing resources, in Geneva before June 2011 on the progress report on the draft guiding principles;

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[15] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[16] A/HRC/15/41.

18. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

19. *Also welcomes* the work on social protection and human rights undertaken by the independent expert on the question of human rights and extreme poverty and her reports submitted to the General Assembly at its sixty-fourth and sixty-fifth sessions;[17]

20. *Decides* to consider the question further at its sixty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[17] A/64/279 and A/65/259.

Draft resolution X
Elimination of discrimination against persons affected by leprosy and their family members

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, including article 1, which states that all human beings are born free and equal in dignity and rights, and that they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

Recalling also relevant Human Rights Council resolutions 8/13 of 18 June 2008,[1] 12/7 of 1 October 2009[2] and 15/10 of 30 September 2010,[3]

Reaffirming that persons affected by leprosy and their family members should be treated as individuals with dignity and are entitled to all human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws,

1. *Welcomes* the work of the Human Rights Council and takes note with appreciation of the work of Human Rights Council Advisory Committee on the elimination of discrimination against persons affected by leprosy and their family members;

2. *Takes note with appreciation* of the Principles and Guidelines for the elimination of discrimination against persons affected by leprosy and their family members;[4]

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the Principles and Guidelines in the formulation and implementation of their policies and measures concerning persons affected by leprosy and their family members;

4. *Encourages* all relevant actors in society, including hospitals, schools, universities, religious groups and organizations, business enterprises, newspapers, broadcasting networks and other non-governmental organizations, to give due consideration, as appropriate, to the Principles and Guidelines, in the course of their activities.

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. III, sect. A.

[2] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[3] Ibid., *Sixty-fifth Session, Supplement No. 53 A* (A/65/53/Add.1), chap. II.

[4] A/HRC/15/30, annex.

Draft resolution XI
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolutions 64/160 and 64/174 of 18 December 2009,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[8] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See resolution 2200 A (XXI), annex.

[4] See resolution 55/2.

[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

[6] Resolution S-24/2, annex.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Realizing the need to consider the opportunities and challenges linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights, particularly in the light of the current global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the Millennium Development Goals, and recognizing that developing countries are in a more vulnerable situation when facing such impact,

Expressing deep concern at the negative impact of the rising global food and energy challenges and climate change on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights, and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

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[8] See resolution 60/1.

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit, that are described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Underlining that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems, and committing to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* the impacts that the global economic and financial crises are still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of these crises, and, in this context, calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of these crises on the realization and the effective enjoyment of all human rights;

6. *Also recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

7. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[9] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

8. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

9. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

10. *Recognizes* that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

11. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

12. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

13. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

14. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

15. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

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[9] E/CN.4/2002/54.

16. *Takes note* of the report of the Secretary-General,[10] and requests him to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-sixth session a substantive report on the subject based on these views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

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[10] A/65/171.

Draft resolution XII
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 64/170 of 18 December 2009, Human Rights Council resolution 15/24 of 1 October 2010[1] and previous resolutions of the Council and the Commission on Human Rights,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General submitted pursuant to General Assembly resolution 64/170[2] and the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[3] and 55/110 of 4 December 2000,[4]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el Sheikh, Egypt, from 11 to 16 July 2009[5] and those adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6] and also severely threatens the freedom of trade,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53 A* (A/65/53/Add.1), chap. II.

[2] A/65/119.

[3] A/53/293 and Add.1.

[4] A/56/207 and Add.1.

[5] A/63/965-S/2009/514, annex.

[6] See A/CONF.157/24 (Part I), chap. III.

Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[10]

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[11] and the International Covenant on Economic, Social and Cultural Rights,[11] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

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[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] See resolution 2200 A (XXI), annex.

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[12] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures with all their extraterritorial effects as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

6. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

7. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

8. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and

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[12] Resolution 217 A (III).

provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

9. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment of national laws and their extraterritorial application which are not in conformity with international law, in its task concerning the implementation of the right to development;

10. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

11. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[10] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Working Group on the Right to Development of the Human Rights Council;

12. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[13] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

13. *Supports* the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

14. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights;

15. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-sixth session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

16. *Decides* to examine the question on a priority basis at its sixty-sixth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[13] A/C.2/59/3, annex, chap. I, sect. A.

Draft resolution XIII
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and of its resolution 64/171 of 18 December 2009, Human Rights Council resolution 13/23 of 26 March 2010[3] and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held at Geneva from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request and in accordance with the priorities set by the States concerned;

9. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

11. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and

challenges and possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council;

12. *Decides* to continue its consideration of the question at its sixty-sixth session.

Draft resolution XIV
The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Deeply concerned that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing deep concern over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

Recalling the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme "Addressing the opportunities and challenges of globalization for development",[5]

Recalling also all its previous resolutions, Human Rights Council resolution 15/25 of 1 October 2010,[6] previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998[7] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

Welcoming the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group[8] and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[9]

Recalling the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, and the previous summits and conferences at which the States members of the Movement stressed the need to operationalize the right to development as a priority,

Reiterating its continuing support for the New Partnership for Africa's Development[10] as a development framework for Africa,

Expressing its appreciation for the efforts of the Chair-Rapporteur of the Working Group on the Right to Development of the Human Rights Council and the members of the high-level task force on the implementation of the right to development in completing the 2008-2010 three-phase road map established by the Human Rights Council in its resolution 4/4 of 30 March 2007,[11]

Deeply concerned by the negative impacts of the global economic and financial crises on the realization of the right to development,

Recognizing that poverty is an affront to human dignity,

Recognizing also that extreme poverty and hunger are the greatest global threat that requires the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

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[5] See TD/442 and Corr.1.

[6] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/HRC/15/23.

[9] A/HRC/15/24.

[10] A/57/304, annex.

[11] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. III, sect. A.

Recognizing further that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session,[12] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Supports* the realization of the mandate of the Working Group, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008,[13] with the recognition that the Working Group will convene annual sessions of five working days and submit its reports to the Council;

3. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action,[3] to the same level as and on a par with all other human rights and fundamental freedoms;

4. *Notes with appreciation* that the high-level task force continued its work, including the consolidation of findings and the list of right to development criteria and corresponding operational sub-criteria;[14]

5. *Endorses* the recommendations of the Working Group, as outlined in paragraphs 45 to 47 of its report,[8] which would ensure that the two compilations of the submissions to be received from Governments, groups of Governments and regional groups as well as the inputs to be received from other stakeholders, on the work of the high-level task force and the way forward, will be presented to the Working Group at its twelfth session, in 2011;

6. *Stresses* the importance that views requested of Member States and relevant stakeholders on the work of the high-level task force and the way forward take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development[15] and resolutions on the

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[12] A/HRC/15/23, sect. IV.B.

[13] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[14] See A/HRC/15/WG.2/TF/2 and Corr.1 and Add.1 and 2.

[15] Resolution 41/128, annex.

right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly;

7. *Also stresses* that the above-mentioned compilations of views, criteria and corresponding operational sub-criteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

8. *Emphasizes* the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and to develop the standards into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

9. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[16] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

10. *Also stresses* that it is important that the high-level task force and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[10] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

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[16] See E/CN.4/2002/28/Rev.1, sect. VIII.A.

11. *Encourages* the Human Rights Council to consider how to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

12. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its first four sessions by the Subcommission on the Promotion and Protection of Human Rights;

13. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

14. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

15. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

16. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

17. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

18. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as an integral part of fundamental human rights;

19. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

20. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

21. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

22. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development due to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

23. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

24. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

25. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

26. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization; the implementation of commitments on implementation-related issues and concerns; a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; the avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

27. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development; stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions; and also stresses the need to broaden and

strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

28. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

29. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

30. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

31. *Welcomes* the Political Declaration on HIV/AIDS adopted at the High-level Meeting on HIV/AIDS of the General Assembly on 2 June 2006,[17] stresses that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

32. *Recalls* the Convention on the Rights of Persons with Disabilities,[18] which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in the realization of the right to development;

33. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, and reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

34. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

35. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery,

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[17] Resolution 60/262, annex.

[18] Resolution 61/106, annex I.

consistent with the principles of the United Nations Convention against Corruption,[19] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

36. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

37. *Reaffirms* the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council;

38. *Reaffirms* the request to the Office of the High Commissioner, in consultation with States Members of the United Nations and other relevant stakeholders, to launch preparations for the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development in 2011;

39. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

40. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

41. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair-Rapporteur of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-sixth session.

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[19] United Nations, *Treaty Series*, vol. 2349, No. 42146.

Draft resolution XV
The right to food

The General Assembly,

Reaffirming all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[2] and the United Nations Millennium Declaration,[3] in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights,[4] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[5] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[6]

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7]

Reaffirming also the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,[8]

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

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[1] Resolution 217 A (III).

[2] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[3] See resolution 55/2.

[4] See resolution 2200 A (XXI), annex.

[5] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

[7] Food and Agriculture Organization of the United Nations, *Report of the Council of the Food and Agriculture Organization of the United Nations, One Hundred and Twenty-seventh Session, Rome, 22-27 November 2004* (CL 127/REP), appendix D; see also E/CN.4/2005/131, annex.

[8] See Food and Agriculture Organization of the United Nations, *Declaration of the World Summit on Food Security* (WSFS 2009/2).

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, is a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the global food crisis,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Taking note of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,[9]

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[9] Food and Agriculture Organization of the United Nations, *Report of the International Conference on Agrarian Reform and Rural Development, Porto Alegre, Brazil, 7-10 March 2006* (C 2006/REP), appendix G.

Acknowledging the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is about 1 billion worldwide, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

9. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

10. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

11. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food;

12. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;[10]

13. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity[11] and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture[12] as a matter of priority;

14. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples[13] and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

15. *Notes* the need to further examine various concepts such as, inter alia, "food sovereignty" and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

16. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

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[10] United Nations, *Treaty Series*, vol. 1954, No. 33480.

[11] Ibid., vol. 1760, No. 30619.

[12] Food and Agriculture Organization of the United Nations, *Report of the Conference of the Food and Agriculture Organization of the United Nations, Thirty-first Session, Rome, 2-13 November 2001* (C 2001/REP), appendix D.

[13] Resolution 61/295, annex.

17. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

18. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

19. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

20. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

21. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

22. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[5] and the United Nations Millennium Declaration;[3]

23. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

24. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

25. *Stresses* the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, and institutional innovations such as community seed banks, farmer field schools and seed fairs and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

26. *Also stresses* that States parties to the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights[14] should consider implementing that agreement in a manner that is supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food;

27. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including southern Africa;

28. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

29. *Takes note with appreciation* of the interim report of the Special Rapporteur;[15]

30. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 6/2 of 27 September 2007;[16]

31. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

32. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[17] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

33. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),[18] in which the Committee noted, inter alia, the importance of ensuring

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[14] See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7).

[15] See A/65/281.

[16] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[17] See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V.

[18] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

34. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

37. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-sixth session on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

38. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

39. *Decides* to continue the consideration of the question at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

Draft resolution XVI
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights,[1]

Reaffirming further the Vienna Declaration and Programme of Action,[2]

Reaffirming the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Reaffirming also that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming further that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights and fundamental freedoms, as well as the need to continue this fight, including through strengthening international cooperation and the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and humanitarian law,

Noting with concern measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

Stressing that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,

Recalling article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[3]

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Recognizing that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] in the fight against terrorism,

Recalling its resolution 64/168 of 18 December 2009 and Human Rights Council resolution 13/26 of 26 March 2010[5] and other relevant resolutions and decisions as stated in the preamble to resolution 64/168, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

Recalling also its resolutions 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and 64/297 of 8 September 2010 on the review of that Strategy, and reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

Recalling further Human Rights Council resolution 15/15 of 30 September 2010,[6] by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

Recalling its resolution 64/115 of 16 December 2009 and the annex thereto entitled "Introduction and implementation of sanctions imposed by the United Nations", in particular the provisions of the annex regarding listing and de-listing procedures,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

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[3] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as of international refugee and humanitarian law, committed in the context of countering terrorism;

4. *Reaffirms* that counter-terrorism measures should be implemented in accordance with international law, including international human rights, refugee and humanitarian law, thereby taking into full consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[7] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations,[8] and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

6. *Urges* States, while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

(d) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

(e) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian and refugee law;

(f) To safeguard the right to privacy in accordance with international law, and take measures to ensure that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

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[7] See resolution 2200 A (XXI), annex.

[8] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

(g) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(h) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(i) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(j) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened, in violation of international refugee law, on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

(k) Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country;

(l) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

(m) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(n) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed to prevent the risk of violations of their obligations under international law, including international human rights, refugee and humanitarian law;

(o) To ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims receive adequate, effective and prompt reparations, where appropriate, including by bringing to justice those responsible for such violations;

(p) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[1] and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of

1949[9] and the Additional Protocols thereto, of 1977,[10] and the 1951 Convention relating to the Status of Refugees[11] and the 1967 Protocol thereto[12] in their respective fields of applicability;

(q) To shape and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination;

7. *Also urges* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

8. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in its resolution 61/177 of 20 December 2006, and recognizes that the entry into force of the Convention and its implementation will be an important step in support of the rule of law in countering terrorism;

9. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by establishing an office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

10. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness, inter alia, through regular dialogue, about the need to respect human rights and the rule of law while countering terrorism;

12. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving

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[9] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[10] Ibid., vol. 1125, Nos. 17512 and 17513.

[11] Ibid., vol. 189, No. 2545.

[12] Ibid., vol. 606, No. 8791.

due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

13. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

14. *Calls upon* the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

15. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights, refugee and humanitarian law, while countering terrorism, and to encourage the Working Groups of the Task Force to incorporate a human rights perspective into their work;

16. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates and as appropriate, related to the prevention and suppression of terrorism to step up their efforts to ensure respect for international human rights, refugee and humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

17. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation;

18. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

19. *Takes note* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism[13] and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism,[14] submitted pursuant to resolution 64/168;

20. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to make recommendations, in the context of his mandate, with regard to preventing,

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[13] A/65/224.

[14] See A/65/258.

combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;

21. *Requests* all Governments to cooperate fully with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, and to give serious consideration to responding favourably to his requests to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

22. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-sixth session;

24. *Decides* to consider at its sixty-sixth session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Draft resolution XVII
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolutions 60/163 of 16 December 2005 and 62/163 of 18 December 2007,

Recalling also Commission on Human Rights resolution 2005/56 of 20 April 2005 entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all",[1]

Recalling further its resolution 39/11 of 12 November 1984 entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[2] See resolution 55/2.

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

Underlining the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

5. *Emphasizes* that the preservation and promotion of peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

6. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

7. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

8. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

9. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, the specialized agencies of the United Nations and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

10. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

11. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

Draft resolution XVIII
Promotion of a democratic and equitable international order

The General Assembly,

Recalling its previous resolutions on the promotion of a democratic and equitable international order, including resolution 64/157 of 18 December 2009, and taking note of Human Rights Council resolution 8/5 of 18 June 2008,[1]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[2] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good-neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

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[1] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. III, sect. A.

[2] Resolution 217 A (III).

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,[3] and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

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[3] See A/CONF.189/12 and Corr.1, chap. I.

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development as well as threats to international peace and security that should be exercised multilaterally;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual

understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

10. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

12. *Requests* the Human Rights Council, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms extended by the Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

13. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

15. *Decides* to continue consideration of the matter at its sixty-sixth session under the item entitled "Promotion and protection of human rights".

Draft resolution XIX
Combating defamation of religions

The General Assembly,

Reaffirming the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination,[1] the International Covenant on Civil and Political Rights,[2] the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live[4] and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

Welcoming the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000[6] to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining, in this regard, the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001[7] and the outcome document of the Durban Review Conference, held in Geneva from 20 to 24 April 2009,[8]

Expressing serious concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist, xenophobic and ideological superiority platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and irregular immigration, thereby legitimizing discrimination against them and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal, and, in this context, emphasizing the importance of article 27 of the International Covenant on Civil and Political Rights,[2]

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[1] United Nations, *Treaty Series*, vol. 660, No. 9464.

[2] See resolution 2200 A (XXI), annex.

[3] See resolution 36/55.

[4] Resolution 40/144, annex.

[5] Resolution 47/135, annex.

[6] See resolution 55/2.

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] See A/CONF.211/8, chap. I.

Noting with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, including cases motivated by Islamophobia, Judeophobia and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that vilification of religions is a serious affront to human dignity leading to the illicit restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

Stressing also the need to effectively combat vilification of religions, and incitement to religious hatred in general,

Reaffirming that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter,

Noting with concern that vilification of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

Taking note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Human Rights Council at its fourth, sixth, ninth and twelfth sessions,[9] in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in internationally agreed human rights instruments, including the International Covenant on Civil and Political Rights,

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,[10] and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil society to contribute to the implementation of the Programme of Action contained in the Global Agenda,

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[9] A/HRC/4/19, A/HRC/6/6, A/HRC/9/12 and A/HRC/12/38.

[10] See resolution 56/6.

Welcoming the efforts of the United Nations Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, including its first forum, held in Spain in 2008, its second forum, held in Turkey in 2009, its third forum, held in Brazil in 2010, and its fourth forum, to be held in Qatar in 2011,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for global peace and understanding, while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

Noting the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions, as well as various regional and national initiatives,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for and freedom of religion and belief,

Welcoming, in this regard, all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the international dialogue on interfaith cooperation, the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and the high-level meeting of the General Assembly on the culture of peace, held on 12 and 13 November 2008, and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the programmes led by the United Nations Educational, Scientific and Cultural Organization in this regard,

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and in this regard taking note with appreciation of the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,[11]

Recognizing the importance of the intersection of religion and race and that instances can arise of multiple or aggravated forms of discrimination on the basis of religion and other grounds, such as race, colour, descent or national or ethnic origin,

Recalling its resolution 64/156 of 18 December 2009 and Human Rights Council resolution 13/16 of 15 April 2010,[12]

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[11] A/62/464, annex.

[12] See *Official Records of the General Assembly, Sixty-fifty Session, Supplement No. 53A*, (A/65/53/Add.1), chap. II.

1. *Takes note* of the report of the Secretary-General;[13]

2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as the targeting and desecration of holy books, holy sites and religious symbols of all religions;

4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of vilification of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of religious minorities;

6. *Recognizes* that, in the context of the fight against terrorism, vilification of religions, and incitement to religious hatred in general, become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;

7. *Expresses deep concern*, in this respect, that Islam is frequently and wrongly associated with human rights violations and terrorism;

8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006,[14] and reaffirmed by the Assembly in its resolutions 62/272 of 5 September 2008 and 64/297 of 8 September 2010, which clearly confirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, stressing the need to reinforce the commitment of the international community to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the vilification of religions;

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as the targeting and desecration of holy books, holy sites, places of worship and religious symbols of all religions;

10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference and has the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

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[13] A/65/263.

[14] Resolution 60/288.

11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination,[15] in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Notes* the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;[16]

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where applicable, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur in order to eradicate impunity for those who commit xenophobic and racist acts;

14. *Calls upon* all States to adopt necessary measures, including by adopting legislation, according to their international obligations, to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and encourages States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to national or ethnic, religious and linguistic minorities in their national plans of action and in this context to take forms of multiple discrimination against minorities fully into account;

15. *Invites* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;[3]

16. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from vilification of religions, and incitement to religious hatred in general;

17. *Also urges* all States to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

18. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

19. *Welcomes* the recent steps taken by Member States to protect freedom of religion through the enactment or strengthening of domestic frameworks and

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[15] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[16] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

legislation to prevent the vilification of religions and the negative stereotyping of religious groups;

20. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

21. *Underlines* the need to combat vilification of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising, and urges all States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

22. *Calls upon* all States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that places of worship, religious places, sites and shrines and religious symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

23. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious leaders and bodies and the print and electronic media to support and foster such a dialogue;

24. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as the means to consolidate international efforts in order to combat impunity for such deplorable acts;

25. *Welcomes* the statement made on 30 September 2010 by the President of the Human Rights Council on behalf of all the members of the Council condemning the recent instances of religious intolerance, prejudice and related discrimination and violence, which continued to occur in all parts of the world;

26. *Also welcomes* the initiative of the United Nations High Commissioner for Human Rights on the expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, held on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to concretely contributing to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

27. *Notes* the efforts of the High Commissioner to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education proclaimed by the General Assembly on 10 December

2004,[17] and calls upon the High Commissioner to continue those efforts, with particular focus on:

(a) The contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations, the United Nations Educational, Scientific and Cultural Organization and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

28. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon, to the General Assembly at its sixty-sixth session.

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[17] See resolutions 59/113 A and B.